

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION**

Primerica Life Insurance Company,	)	C.A. No. <u>5:23-cv-00090-SAL</u>
	)	
Plaintiff,	)	
	)	
vs.	)	<b>NOTICE OF REMOVAL</b>
	)	
Danielle Smith and Grace Funeral	)	
Services, LLC,	)	
	)	
Defendant.	)	

Defendant Danielle Smith (hereinafter “Smith”), by her counsel, pursuant to 28 U.S.C. § 1441 and § 1446, file this Notice of Removal and allege that:

1. Smith is a named Defendant in the matter *sub judice* styled *Primerica Life Insurance Company v. Danielle Smith and Grace Funeral Services, LLC*, Civil Action No.: 2022-CP-38-01707, which is now pending in the Court of Common Pleas for Orangeburg County, State of South Carolina.

2. This Notice of Removal is being filed with this Court within thirty (30) days of Smith’s receipt of a copy of the Amended Summons and Complaint setting forth the claim for relief upon which such proceeding is based, in accordance with 28 U.S.C. § 1446(b).

3. Plaintiff alleges causes of action for equitable fraud and declaratory relief based on a policy of life insurance that Plaintiff issued regarding the life of Chelsea Smith, who passed away in August 2022. Smith is the named beneficiary of the life insurance policy. Smith made a claim for life insurance benefits upon the death of Chelsea.

4. Plaintiff alleges that it denied Smith’s claim for benefits under the policy, asserting misrepresentation in the life insurance application.

5. The life insurance policy at issue has a stated policy death benefit of \$16,000.

6. Smith is a citizen and resident of the State of South Carolina.

7. Plaintiff is a corporation organized and existing under the laws of Tennessee with his principal place of business in Georgia.

8. Smith is counterclaiming asserting a breach of contract cause of action against Plaintiff relating to Plaintiff's refusal to pay the benefits under the life insurance policy.

9. Smith is also counterclaiming asserting a cause of action for bad faith denial of her claim under the life insurance policy.

10. Additionally, Smith also claiming substantial financial and mental hardships as well as deprivation of financial income.

11. Smith also seeks punitive damages.

12. Smith also seeks attorney's fees and costs.

13. There is complete diversity of citizenship between the parties.

14. Based on the claims asserted the damages claimed under each of Smith's causes of action and the claim for punitive damages, Smith believes that her claimed damages – and this case involves an amount in controversy – in excess of \$75,000, exclusive of interest and costs.

15. This Court therefore has original subject-matter jurisdiction and removal jurisdiction over these claims pursuant to 28 U.S.C. § 1332.

16. Pursuant to 28 U.S.C. § 1446(a), copies of the pleadings filed and served on Smith in state court are filed herewith as Exhibit A.

**WHEREFORE**, Smith hereby removes this action to this Court and requests that this Court assume jurisdiction over this action, that the action of the State court be stayed and that this action proceed to final determination thereof.

s/M. Leila Louzri  
M. Leila Louzri, Esq.  
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Date: January 9, 2023